

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.10.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI**Cr1.O.P. (MD) No.1071 of 2017**

P.Pidaran

... Petitioner/de-facto
complainant

Versus

1. Elayaraja, S/o.Vellaichamy

... 1st Respondent/Petitioner
[A3]2. State through,
The Inspector of Police,
Melur Police Station.
[Crime No.265 of 2016]... 2nd Respondent/Respondent
[Complainant]

PRAYER: Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to cancel the anticipatory bail granted to the first respondent/A3 in Cr.M.P.No.5696 of 2016, dated 17.11.2017, by the learned Principal Sessions Judge, Madurai.

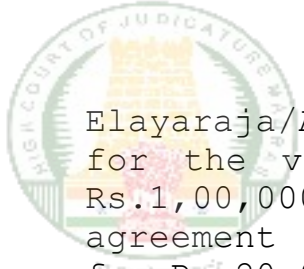
For Petitioner : Mr.V.Santha Kumaresan

For R1 : Mr.D.Rameshkumar

For R2 : Mr.K.Anbarasan
Government Advocate
(Criminal side)**O R D E R**

This Criminal Original Petition has been filed seeking to cancel the anticipatory bail granted to the first respondent/A3 in Cr.M.P.No.5696 of 2016, dated 17.11.2017, by the learned Principal Sessions Judge, Madurai.

2.The petitioner entered into an agreement with one Tamilaiah and purchased his property to the tune of Rs.25,00,000/-.
Thereafter, the petitioner entered into an agreement with one



Elayaraja/A3, first respondent herein, for a sum of Rs.25,00,000/- for the very same property in question and received a sum of Rs.1,00,000/- by way of cash and the first respondent executed an agreement to pay Rs.4,00,000/- in cash and handed over a cheque for Rs.20,00,000/- and the said cheque was dishonored.

WEB COPY

3. Aggrieved by the same, the petitioner made a complaint. Though, several times, the first respondent approached this Court for anticipatory bail, this Court dismissed those petitions. Thereafter, the first respondent approached the Principal Sessions Court, Madurai, for anticipatory bail and the learned Principal Sessions Judge, Madurai, granted anticipatory bail after taking note of the fact that A1 and A2 were released on bail.

4. The learned counsel for the petitioner submitted that the first respondent committed serious offence by issuing dishonored cheques for Rs.20,00,000/- to the petitioner and hence, he prayed for cancellation of anticipatory bail granted to the first respondent by the learned Principal Sessions Judge (FAC), Madurai, in CrI.M.P.No.5696 of 2016 on 17.11.2016.

5. The learned counsel for the first respondent submitted that the first respondent has not committed any offence and in fact, the petitioner has cheated the first respondent and collected a sum of Rs.1,00,000/- without any valid document and the claim of the petitioner is malicious and not sustainable.

6. The learned Government Advocate (Criminal side) appearing for the second respondent submitted that the property stands in the name of Tamilaiah and based on the agreement, the petitioner entered into an another agreement with the first respondent and considering the merits of the case, the learned Principal Sessions Judge (FAC), Madurai, granted anticipatory bail to the petitioner and the investigation is pending.

7. Heard both sides.

8. Considering the facts and circumstances of the case and on perusal of the order passed by the learned Principal Sessions Judge (FAC), Madurai, I do not find any error or illegality to interfere with the said order. Accordingly, this petition for cancellation of anticipatory bail, is dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

1. The Principal Sessions Judge,
Madurai.

2. The Inspector of Police,
Melur Police Station.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.1071 of 2017
06.10.2017

smn2

SDS/SV:MMS/SAR 1/23.10.2017/3P/4C